

Date of Decision:15.12.1995

FOR APPROVAL AND SIGNATURE

THE HON'BLE MR. JUSTICE N N MATHUR

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
5. Whether it is to be circulated to the Civil Judge ?

.....T.....T.....T.....J.....T....T.....T.....T.....T....

Mr P K Jani, Advocate for the petitioner

Mr A H Mehta, Advocate for respondent No.1

Mr M I Patel, Advocate for respondent No.2

Ms P S Parmar, AGP for the State

CORAM ; N N MATHUR, J.

(December 15, 1995)

ORAL JUDGMENT

By way of this Special Civil Application, the petitioner has challenged the Resolution No.347 dated 5.1.1989 passed by the Kalol Nagarpalika, whereby it was resolved that the respondents No.3 to 7 shall go on tour to European countries at the expenses of the Nagarpalika. In pursuance of the said Resolution, a Demand Draft of Rs.1,80,000/- has been sent to the director General of All India Institute of Local Self-Government for meeting the expenses of the 5 participants. The say of the petitioner

is that the Kalol Nagarpalika is facing severe financial crisis say that it is not in a position even to make payment of electricity dues and in such circumstances, the expenses on the part of the President and the Councillor for their visit to European countries is a luxury, which cannot be afforded by a small Municipality like Kalol Nagarpalika. A detailed reply to the writ petition has been filed and it is submitted that the tour was organised by the All India Institute of Local Self Government in order to improve the urban management in India. It is considered that the advanced countries have better civic consciousness and their cities and towns have undergone the process of difficulties and they have worked out efficient methods for the management of local body to provide useful and efficient services to the Cities and Towns. It was thus conceded that certain programmes are organised with the developed countries in which Municipal Councillors and other office bearers participate.

2. Mr A H Mehta, learned Advocate for the respondents has also informed that the said programme of the Kalol Nagarpalika has been confirmed by the State Government and the said confirmation by the State Government has not been challenged.

3. Considering the fact that the tour programme was organised by the All India Institute of Local Self Government, the benefits of the tour programme cannot be doubted and further the fact that the programme has been confirmed by the State Government, in my view, this petition does not call for any interference by this Court.

4. In view of the aforesaid, this Special Civil Application is dismissed. Rule discharged.

....